

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.556 OF 2007

Mr.Ramdas Bhikaji Katke ...Applicant
Vs.
State of Maharashtra ...Respondent

Mr.S.S. Kulkarni, Advocate for the Applicant.
Ms.R.M. Gadhvi, APP for the State.

CORAM : J.H. BHATIA, J.
Date : March 1, 2007.

P.C. :

. Heard Mr.Kulkarni, learned counsel for the applicant and Ms.Gadhvi, learned APP for the State. The applicant, who is arrested in Crime No.44 of 2006 registered at Saswad Police Station for the offence punishable under sections 376, 323, 504, 506 of the Indian Penal Code, seeks to be released on bail.

. The prosecution case, in brief, is that the prosecutrix, who is a married woman, went to her field to collect grass. After collecting the grass she left the bundle of grass in the field itself because it was wet and she returned home after informing her husband, who was also working in the field. At the distance of about two furlong from the field accused came from back side and caught her by putting hand on her mouth and dragged her in Nala and committed rape on her. In that incident the blouse of the prosecutrix was torn, two buttons were detached and fell down. When the accused was still on the person of prosecutrix, her husband reached there and then the accused ran away.

Then report was lodged at the Saswad Police Station on above mentioned sections. The medical certificate of the prosecutrix and the spot panchnama corroborated her allegations against the present applicant.

. In such circumstances, I find that it is not a fit case to grant bail. If bail is granted, possibility of tampering with prosecution evidence cannot be ruled out. Therefore, the application stands rejected.

(J.H. BHATIA, J.)